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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,539	03/19/2007	Shinji Tomita	062571	3200
38834	7590	10/15/2008		
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP			EXAMINER	
1250 CONNECTICUT AVENUE, NW			GILMAN, ALEXANDER	
SUITE 700			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20036			2833	
		MAIL DATE	DELIVERY MODE	
		10/15/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,539	<b>Applicant(s)</b> TOMITA ET AL.
	<b>Examiner</b> Alexander D. Gilman	<b>Art Unit</b> 2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 June 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 and 7-10 is/are rejected.
- 7) Claim(s) 6 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/DS/02)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9, 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites "discrimination means for discriminating between a plurality of connector-terminal socket."

The phrase is unclear for an interpretation.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 7, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Fields.

With regard to claims 1, 5, 7, Fields (US 5,340324) discloses (Fig. 1, 2) a dummy terminal designed to be inserted into a connector-terminal socket originally intended to insertingly receive a connector terminal attached to an end of a signal transmission cable, comprising:  
a dummy terminal body (12) adapted to be inserted into said connector-terminal socket (16);  
dummy-terminal engagement means (14) mounted on said dummy terminal body and adapted to be engaged with a connector-terminal latching portion formed in said connector-terminal

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socket;

and dummy-terminal lock means (release means) (18) including a lock member which is mounted on said dummy terminal body and adapted to allow said dummy terminal body after being inserted into said connector-terminal socket, to be locked (released) in its engaged state through said dummy-terminal engagement means.

Claims 1, 2, 5, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Document WO 03/028166 (an invntor –Valentine)..

With regard to claims 1, 5, 7, Valentine discloses (Fig. 2) a terminal designed to be inserted into a connector-terminal socket, said dummy terminal comprising:

a dummy terminal body (210) adapted to be inserted into said connector-terminal socket (205); dummy-terminal engagement means (214) mounted on said dummy terminal body and adapted to be engaged with a connector-terminal latching portion formed in said connector-terminal socket;

and dummy-terminal lock means (230, p.5 lines 11-18) including a lock member which is mounted on said dummy terminal body and adapted to allow said dummy terminal body after being inserted into said connector-terminal socket (205), to be locked in its engaged state through said dummy-terminal engagement means.

With regard to claim 2, Valentine discloses that said dummy-terminal engagement means includes a flexible engagement member (214) having an engagement portion adapted to be engaged with said connector-terminal latching portion.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 , 4 , 5, 7, 8, 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hori et al.

Claims are rejected under 35 U.S.C. 102(b) as being anticipated by Hori et al.

With regard to claims 1, 5, 7 Hori et al (US 4,946,401) discloses (Fig. 1) a terminal designed to be inserted into a connector-terminal socket, said dummy terminal comprising:

a dummy terminal body (4) adapted to be inserted into said connector-terminal socket (2);  
dummy-terminal engagement means (26) mounted on said dummy terminal body and adapted to be engaged with a connector-terminal latching portion formed in said connector-terminal socket;  
and dummy-terminal lock means (7) including a lock member which is mounted on said dummy terminal body and adapted to allow said dummy terminal body after being inserted into said connector-terminal socket (2), to be locked in its engaged state through said dummy-terminal engagement means.

The Hori et al can be used as a dummy terminal since it can prevent unauthorized using the socket

With regard to claim 2, Hori et al discloses that said dummy-terminal engagement means includes a flexible engagement member (26) having an engagement portion adapted to be engaged with said connector-terminal latching portion.

With regard to claim 4, Hori et al discloses that said lock member (7) of said dummy-terminal lock means is swingably mounted on said dummy terminal body

With regard to claims 9, 10, Hori et al discloses includes discrimination means as a special screw (7).

Claims 3, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hori et al in view of Young

Hori et al explicitly do not disclose that the pin would a screw fastened.

Young discloses a screw fastening for locking a terminal.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Hori et al pin as , as taught by Young , to dependably fix the terminal to the socket

#### ***Allowable Subject Matter***

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

No prior art has been found to anticipate or render obvious the presently claimed subject matter. Specifically, none of the prior art of record discloses the combination of the limitations presented including the releasing mechanism.

#### ***Response to Arguments***

Applicant's arguments filed 8/11/2008 have been fully considered but they are not persuasive.

Applicant argues that each of references - Fields, Valentine, Hori – does not disclose "a lock member being mounted on said dummy terminal body.

However, a term "mounted on" is not equivalent to a term "fixed on ", "directly attached to an external surface". Term " mounted on" can be interpreted, for example, as "extended over surface of". Moreover, each of references assumes a direct contact of the respective "lock member" with the corresponding surface "dummy terminal body ".

Also, Applicant argue that structural elements of the dummy terminal body, recited in claim 5, are not copied in the rejection of claim 5. The above mentioned features including "a base, an upstanding segment extending upward from said base, an engagement segment which extends approximately parallel to said base, and has a distal end formed as an engagement portion adapted to be engaged with and latched by a connector-terminal latching portion formed in said connector-terminal socket and a proximal end connected to said upstanding segment" are typical features for any standard RJ plug . Since in each reference used for the rejection, a standard RJ plug is utilized as "dummy terminal body" is, the limitations of claim 5 are covered inherently.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander D. Gilman whose telephone number is 571 272-2004. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee S. Luebke can be reached on 571 272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander D Gilman/  
Primary Examiner  
Art Unit 2833

10/03/08

<b>Application Number</b> 	<b>Application/Control No.</b>	<b>Applicant(s)/Patent under Reexamination</b>
	10/580,539	TOMITA ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
Alexander D. Gilman	2833	